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09/917,722	07/31/2001	Kyoung Sup Shin	P-0247	1247
34610	7590	04/11/2007	EXAMINER	
KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			QUIETT, CARRAMAH J	
			ART UNIT	PAPER NUMBER
			2622	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/11/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	09/917,722	SHIN, KYOUNG SUP
	Examiner	Art Unit
	Carramah J. Quiett	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 January 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,7,10,13 and 16-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,7,10,13 and 16-42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 July 2001 and 28 March 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 01/12/2007, have been entered and made of record. Claims 1-2, 7, 10, 13, and 16-42 are pending.

Response to Arguments

2. Applicant's arguments, see Remarks, page 14, filed 01/12/2007, with respect to the objection to the specification have been fully considered and the Applicant has sufficiently amended the specification. The Objection to the Specification has been *withdrawn*.
3. Applicant's arguments, see Remarks, page 14, filed 01/12/2007, with respect to the claim rejection under 35 USC § 112, first paragraph have been fully considered and the Applicant has sufficiently amended the specified claims. The 35 USC § 112, first paragraph rejection of claims 1-2, 7, 10, 13, and 16-42 has been *withdrawn*.
4. Applicant's arguments filed 01/12/2007 have been fully considered but they are not persuasive.

The applicant asserts that for claims 1, 7, 10, and 13 the cited references, Hayashi et al. (U.S. Patent #6,618,082) in view of Szajewski et al. (U.S. #6,801,719) does not teach transmitting and displaying at the mobile communication terminal, during a telephonic communication, a sub-image signal instead of the main image signal when the cut-off mode is set. The Examiner respectfully disagrees. Hayashi has been used to teach transmitting and displaying a sub-image signal (thumbnail) instead of the main image signal when the cut-off mode is set (col. 4, lines 16-29).

Szajewski teaches a method for transmitting and displaying at the mobile communication terminal, (inherently) during telephonic communication (col. 10, lines 6-46). The communication module (46) transmits the image signals via an optical network (such as a cellular network, a telecommunication network, etc.) to devices such as an Internet appliance, a personal digital assistant and a television. Devices such as these inherently have displays. It is well known in the art to utilize telephonic communication during Internet usage in order to view the image being transmitted. Therefore, the image signal of Szajewski is transmitted and displayed at the mobile communication terminal during telephonic communication.

The Applicant's "*capable of*" and "*adapted to*" language as used in the claims broadens the scope of the claims. The MPEP states that, "Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by language that does not limit a claim to a particular structure." (MPEP 2111.04 [R-3]) In other words at the U.S. Patent and Trademark Office, if a limitation is written with "capable of" language, a reference is deemed to meet that limitation if the reference discusses the same element that, although not actually performing the claimed function, is **structurally capable of** performing it. Accordingly, the Examiner *will not* give a limitation with "capable of" and "adapted to" language patentable weight. Claims 7, 36, 37, and 40 each have limitations with "capable of" or "adapted to" language. Please see the following prior art rejection.

Accordingly, the examiner maintains the rejections to claims 1-2, 7, 10, 13, and 16-30.

5. Applicant's arguments with respect to claims 31-42 have been considered but are moot in view of the new ground(s) of rejection.

The applicant's remarks stated that claims 31-42 are dependent on independent claim 30.

Please note that claims 31-42 are not dependent on independent claim 30. Please see
Claims 30-42 filed 01/12/2007.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 1-2, 7, 10, 13, and 16-30**^{and 39} are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. (U.S. Patent #6,618,082) in view of Szajewski et al. (U.S. #6,801,719).

As for **claim 1**, Hayashi teaches an image signal transmitting/receiving method, in figure 1, comprising the steps of:

transmitting/receiving a main (original) image signal at a mobile terminal (col. 2, line 47 – col. 3, line 26);

As shown in fig. 1, image signals are transmitted from the first signal processing circuit (20) through a bus (22) and a CPU (28) to memories (24, 38, and 46), which receives and stores image signals. Please read col. 2, line 47 – col. 3, line 26.

determining whether a cut-off mode has been set for the main image signal (col. 3, line 62 – col. 4, line 29);

Hayashi teaches a reproducing mode involving a normal reproducing mode and a continuous reproduction mode. The original (main) image is displayed when the forward (or the reverse) feed button is depressed. A cut off mode is set for the main image signal

when the operator depresses the feed button 2 or more seconds. A 4-bit micro-computer determines whether this cut off mode has been set. Also, please read col. 4, line 56 – col. 5, line 9.

transmitting and displaying at a mobile terminal a sub-image signal (thumbnail) instead of the main image signal when the cut-off mode is set (col. 4, lines 16-29).

Hayashi also teaches that the image signal is also transmitted to an output terminal (fig. 1, ref. 36). However, Hayashi does not expressly teach an image signal transmitting/receiving method in a mobile communication terminal, comprising the steps of: transmitting/receiving a main image signal at the mobile communication terminal; transmitting and displaying at the mobile communication terminal, during telephonic communication.

In a similar field of endeavor, Szajewski teaches an image signal transmitting/receiving method in a mobile communication terminal, comprising the steps of:

transmitting/receiving a main image signal at the mobile communication terminal (col. 10, lines 20-25);

transmitting and displaying at the mobile communication terminal, during telephonic communication, a sub-image signal (fig. 1, ref. 46; col. 10, lines 6-52). In light of the teaching of Szajewski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hayashi with a method for transmitting/receiving a main image signal at the mobile communication terminal and for transmitting and displaying, during telephonic communication in order to evaluate images for composing the image (col. 11, lines 8-21).

For **claim 2**, Hayashi, as modified by Szajewski, further teaches a method wherein the main image signal is a received image signal (Hayashi,col. 2, line 47 – col. 3, line 26).

As shown in fig. 1, image signals are transmitted from the first signal processing circuit (20) through a bus (22) and a CPU (28) to memories (24, 38, and 46), which receives and stores image signals. Please read Hayashi,col. 2, line 47 – col. 3, line 26.

Regarding **claim 7**, Hayashi discloses a mobile terminal, in fig. 1, comprising:
an image signal processor (ref. 30) for processing a main (original) image signal (col. 3, line 62 – col. 4, line 10);

a display unit (ref. 34) for displaying the received main image signal on the mobile terminal (col. 3, line 62 – col. 4, line 10);
a controller (ref. 42) for checking whether a cut-off mode has been set for the main image signal (col. 3, line 62 – col. 4, line 29); and

Hayashi teaches a reproducing mode involving a normal reproducing mode and a continuous reproduction mode. The original (main) image is displayed when the forward (or the reverse) feed button is depressed. A cut off mode is set for the main image signal when the operator depresses the feed button 2 or more seconds. A 4-bit micro-computer determines whether this cut off mode has been set. Also, please read col. 4, line 56 – col. 5, line 9.

an image signal selector (ref. 48) capable of outputting, during a telephonic communication, a sub-image signal instead of the main image signal to the image signal processor when selected and to the display unit when selected, when the cut-off mode has been set (col. 4, lines 16-29).

Hayashi also teaches that the image signal is also transmitted to an output terminal (fig. 1, ref. 36). However, Hayashi does not expressly teach a mobile communication terminal and an image signal selector for outputting during a telephonic communication. In the same field of endeavor, Szajewski teaches a mobile communication terminal and outputting, during a telephonic communication (fig. 1, ref. 46), a sub-image signal. In light of the teaching of Szajewski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hayashi to be a mobile communication terminal, for outputting during a telephonic communication in order to evaluate images for composing the image (col. 11, lines 8-21).

For **claim 10**, Hayashi further discloses a mobile terminal, in fig. 1, comprising:
an image signal processor (ref. 30) for processing a main (original) image signal (col. 3, line 62 – col. 4, line 10);
a controller (ref. 42) for checking whether a cut-off mode has been set for the main image signal (col. 3, line 62 – col. 4, line 29);

Hayashi teaches a reproducing mode involving a normal reproducing mode and a continuous reproduction mode. The original (main) image is displayed when the forward (or the reverse) feed button is depressed. A cut off mode is set for the main image signal when the operator depresses the feed button 2 or more seconds. A 4-bit micro-computer determines whether this cut off mode has been set. Also, please read col. 4, line 56 – col. 5, line 9.

an image signal selector (ref. 48) for outputting a sub-image signal instead of the main image signal to the image signal processor in case that the cut-off mode has been set (col. 4, lines 16-29).

Hayashi also teaches that the image signal is also transmitted to an output terminal (fig. 1, ref. 36). However, Hayashi does not expressly teach a mobile communication terminal and outputting during a telephonic communication. In the same field of endeavor, Szajewski teaches a mobile communication terminal and outputting, during a telephonic communication (fig. 1, ref. 46), a sub-image signal. In light of the teaching of Szajewski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hayashi to be a mobile communication terminal, for outputting during a telephonic communication in order to evaluate images for composing the image (col. 11, lines 8-21).

As for **claim 13**, Hayashi discloses an apparatus, a mobile terminal, in fig. 1, comprising:

an image signal processor (ref. 30) for processing a main (original) image signal (col. 3, line 62 – col. 4, line 10);

a display unit (ref. 34) for displaying the received main image signal on the mobile terminal (col. 3, line 62 – col. 4, line 10);

a controller (ref. 42) for checking whether a cut-off mode has been set for the main image signal (col. 3, line 62 – col. 4, line 29); and

Hayashi teaches a reproducing mode involving a normal reproducing mode and a continuous reproduction mode. The original (main) image is displayed when the forward (or the reverse) feed button is depressed. A cut off mode is set for the main image signal when the operator depresses the feed button 2 or more seconds. A 4-bit micro-computer

determines whether this cut off mode has been set. Also, please read col. 4, line 56 – col. 5, line 9.

an image signal selector (ref. 48) for outputting a sub-image signal instead of the main image signal to the display unit in case that the cut-off mode has been set (col. 4, lines 16-29).

Hayashi also teaches that the image signal is also transmitted to an output terminal (fig. 1, ref. 36). However, Hayashi does not expressly teach a mobile communication terminal and outputting during a telephonic communication. In the same field of endeavor, Szajewski teaches a mobile communication terminal and outputting, during a telephonic communication (fig. 1, ref. 46), a sub-image signal. In light of the teaching of Szajewski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hayashi to be a mobile communication terminal, for outputting during a telephonic communication in order to evaluate images for composing the image (col. 11, lines 8-21).

For **claim 16**, Hayashi, as modified by Szajewski, discloses a method further comprising setting the cut off mode (Hayashi, col. 3, line 62 – col. 4, line 29).

Hayashi teaches a reproducing mode involving a normal reproducing mode and a continuous reproduction mode. The original (main) image is displayed when the forward (or the reverse) feed button is depressed. A cut off mode is set for the main image signal when the operator depresses the feed button 2 or more seconds. A 4-bit micro-computer determines whether this cut off mode has been set. Also, please read Hayashi, col. 4, line 56 – col. 5, line 9.

For **claim 17**, Hayashi, as modified by Szajewski, discloses a method wherein the cut-off mode is set (Hayashi, col. 3, line 62 – col. 4, line 29 and col. 4, line 56 – col. 5, line 9).

However, Hayashi (and Szajewski) do not expressly discloses a method wherein the cut-off mode is set during the telephonic communication. The Examiner takes Official Notice that it is well known in the art to set the cut-off mode during telephonic communication. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a method for setting the cut-off mode during telephonic communication in the imaging devices of Hayashi as well as Szajewski so that a user can not only communicate in an ordinary manner, but also may view a displayed image. This modification would also provide the compressed transmitted images with a constant data rate. It is noted by the Examiner that because Applicant failed to timely traverse the old and well-known statement, it is now taken as Admitted Prior Art (see MPEP 2144.03(c)).

Regarding **claims 18 and 20**, these claims are apparatus claims corresponding to the method claim 16. Therefore, claims 18 and 20 are analyzed and rejected as previously discussed with respect to claim 16.

Regarding **claim 19**, this claim is an apparatus claim corresponding to the method claim 17. Therefore, claim 19 is analyzed and rejected as previously discussed with respect to claim 17.

For **claim 21**, Hayashi, as modified by Szajewski, discloses a method wherein the sub-image signal is a signal stored in a predetermined storing area (images files; Hayashi, col. 4, lines 16-29).

For **claim 22**, Hayashi, as modified by Szajewski, discloses a method wherein the sub-image signal comprises one of a signal inputted by a user (Hayashi, col. 4, lines 16-29) or* *a previously transmitted main image signal.*

For claim 23, Hayashi, as modified by Szajewski, discloses a method transmitting and displaying on the mobile communication terminal, during a telephonic communication, the main image signal instead of the sub-image signal in case that the cut-off mode is not set (Hayashi, col. 4, lines 30-40; Szajewski, col. 10, lines 6-44).

For claim 24, Hayashi, as modified by Szajewski, discloses the terminal wherein the sub-image signal comprises one of a signal stored by a user (in Hayashi, see fig. 2 and read col. 2, line 66 – col. 3, line 49) or* *a previously transmitted main image signal*. This is inherent because with the actuation of the shutter by the operator of the digital camera, the thumbnail is consequently stored on the memory card.

For claim 25, Hayashi, as modified by Szajewski, discloses the terminal wherein the image signal selector outputs the main image to the image signal processor instead of the sub-image signal in case that the cut-off mode is not set (Hayashi, col. 3, line 62 – col. 4, line 40).

Regarding claims 26 and 28, these claims are apparatus claims corresponding to the method claim 24. Therefore, claims 26 and 28 are analyzed and rejected as previously discussed with respect to claim 24.

Regarding claims 27 and 29, these claims are apparatus claims corresponding to the method claims 25 and 23, respectively. Therefore, claims 27 and 29 are analyzed and rejected as previously discussed with respect to claims 25 and 23, respectively.

For claim 30, Hayashi teaches a method (figs. 1, 3-6) in a mobile terminal for selectively transmitting an image signal (thumbnail) comprising:

inputting an image signal to an image input unit (col. 2, line 66 – col. 3, line 17);
encoding the image signal inputted (col. 3, lines 18-34);

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determining if a cut-off mode has been set (Hayashi, col. 3, line 62 – col. 4, line 29 and col. 4, line 56 – col. 5, line 9); and

Hayashi teaches a reproducing mode involving a normal reproducing mode and a continuous reproduction mode. The original image is displayed when the forward (or the reverse) feed button is depressed. A cut off mode is set for the original image signal when the operator depresses the feed button 2 or more seconds. A 4-bit micro-computer determines whether this cut off mode has been set. Also, please read col. 4, line 56 – col. 5, line 9.

transmitting a second (original) image signal stored in a storage unit if the cut-off mode has not been set (col. 3, line 62 – col. 4, line 40) or* *transmitting the encoded image signal inputted if the cut-off mode has been set.*

Hayashi also teaches that the image signal is also transmitted to an output terminal (fig. 1, ref. 36). However, Hayashi does not expressly teach a method in a mobile communication terminal performing during telephonic communication on a mobile communication terminal one of transmitting a second image signal. In the same field of endeavor, Szajewski teaches a method in a mobile communication terminal performing during telephonic communication on a mobile communication terminal one of transmitting a second image signal (col. 10, lines 6-44). In light of the teaching of Szajewski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image device of Hayashi for performing during telephonic communication one of transmitting a second image signal in order to evaluate images for composing the image (col. 11, lines 8-21).

For claim 39, Hayashi teaches a method for processing in a mobile terminal comprising:

allowing a user to selectively operate a cut-off mode for selecting a main image signal to be transmitted before initiating (col. 3, line 62 – col. 4, line 29); and

transmitting a prestored image signal from a storing unit to a receiver side if the cut-off mode is set (col. 2, line 47 – col. 3, line 26),

wherein the prestored image signal comprises at least one of an image signal stored by the user and a main image signal previously transmitted via an image signal processor, depending on a user's setting (col. 2, line 47 – col. 3, line 26).

However, Hayashi does not expressly teach a mobile communication terminal and during telephonic communication. In a similar field of endeavor, Szajewski teaches a mobile communication terminal and during telephonic communication (fig. 1, ref. 46; col. 10, lines 6-52). In light of the teaching of Szajewski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hayashi with a mobile communication terminal and during telephonic communication in order to evaluate images for composing the image (col. 11, lines 8-21).

8. **Claim 31, 35-38, and 40-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Urisaka et al. (U.S. Pat. #6,714,238) in view of Szajewski (U.S. Pat. 6,618,082).

For **claim 31**, Urisaka teaches a method in a communications terminal for transmitting an image signal between at least a first mobile communications terminal and a second mobile communications terminal while in a communication (col. 3, lines 1-27), the communications terminal comprising an image input unit (col. 3, lines 1-27), an encoder for encoding an image from the image input unit (col. 3, lines 39-50), a storing unit for storing an image (col. 3, lines 1-

27), an image signal processor (col. 3, lines 1-27) and an image selector (col. 3, line 66 – col. 4, line 5), the method comprising:

selectively transmitting during the communication one of a first image signal captured by the image input unit of the first terminal or a second image signal stored in the storing unit of the first communications terminal to the second communications terminal depending on a user's setting of the first terminal (col. 4, line 6 – col. 5, line 59).

However, Urisaka does not expressly teach a mobile communication terminal and telephonic communication. In a similar field of endeavor, Szajewski teaches a mobile communication terminal and during telephonic communication (fig. 1, ref. 46; col. 10, lines 6-52). In light of the teaching of Szajewski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Urisaka with a mobile communication terminal and telephonic communication in order to evaluate images for composing the image (col. 11, lines 8-21).

For **claim 35**, Urisaka teaches a communication terminal (fig. 1) comprising:

an image input unit, the image input unit capturing a first image signal (col. 3, lines 1-27);

an encoder, the encoder encoding the first image signal captured by the image by the input unit (col. 3, lines 39-50);

a memory unit, the memory unit storing a second image signal inputted by a user or the first image signal previously transmitted via an image signal processor (col. 3, lines 1-27);

an image signal selector, the image signal selector selectively out-putting the first image signal or the second image signal (col. 3, line 66 – col. 4, line 5); and

a controller cooperating with the image input unit, the encoder, the memory unit and the image signal selector to selectively transmit during a communication the first image signal or the second image signal to a second image terminal depending on a user's setting (col. 3, line 66 – col. 4, line 5).

However, Urisaka does not expressly teach a mobile communication terminal and during telephonic communication. In a similar field of endeavor, Szajewski teaches a mobile communication terminal and during telephonic communication (fig. 1, ref. 46; col. 10, lines 6-52). In light of the teaching of Szajewski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Urisaka with a mobile communication terminal and during telephonic communication in order to evaluate images for composing the image (col. 11, lines 8-21).

For claim 36, Urisaka, as modified by Szajewski, discloses the terminal wherein the controller is adapted to* (col. 3, line 66 – col. 4, line 5) determine whether a cut-off mode has been set by the user and to transmit the second image signal as the main image signal to the second image communication terminal during the telephonic-communication if the cut-off mode is set.

For claim 37, Urisaka, as modified by Szajewski, discloses the terminal wherein the controller is adapted to* (col. 3, line 66 – col. 4, line 5)) transmit the first image signal as the main image signal to the second image communication terminal during the telephonic communication if the cut-off mode is not selected by the user.

For **claim 38**, Urisaka, as modified by Szajewski, discloses the terminal further comprising an input unit operated by the user to select a cut-off mode (col. 3, line 66 – col. 4, line 5).

For **claim 40**, Urisaka teaches a method in a communication terminal capable of* (col. 3, lines 1-27) processing a communication, the communication terminal comprising an image input unit (col. 3, lines 1-27), an encoder for encoding an image signal from the image input unit (col. 3, lines 39-50), a storing unit for storing an image signal (col. 3, lines 1-27), an image signal processor (col. 3, lines 1-27), a display unit (col. 3, lines 1-27) and an image signal selector (col. 3, line 66 – col. 4, line 5), the method comprising:

receiving a main image signal from a first communication terminal during the communication (col. 3, line 66 – col. 4, line 5);

determining whether a cut-off mode has been set by a user of the communication terminal for the received main image signal (col. 3, line 66 – col. 4, line 5); and

selectively displaying one of an image signal stored in the storing unit or the received image signal on the display unit of the communication terminal during the communication according to the determining (col. 4, line 6 – col. 5, line 59).

However, Urisaka does not expressly teach a mobile communication terminal and telephonic communication. In a similar field of endeavor, Szajewski teaches a mobile communication terminal and during telephonic communication (fig. 1, ref. 46; col. 10, lines 6-52). In light of the teaching of Szajewski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Urisaka with a mobile

communication terminal and telephonic communication in order to evaluate images for composing the image (col. 11, lines 8-21).

For **claim 41**, Urisaka, as modified by Szajewski, teaches the method further comprising: allowing the user to selectively set the cut-off mode for the received main image signal before initiating the communication or during the telephonic communication (Urisaka col. 4, line 6 – col. 5, line 59).

For **claim 42**, Urisaka, as modified by Szajewski, teaches the method wherein the user sets the cut-off mode for the main image signal to be transmitted by operating an input unit of the communication terminal (Urisaka col. 4, line 6 – col. 5, line 59).

Allowable Subject Matter

9. **Claims 32-34** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 32 is allowed because the prior art does not teach or fairly suggest the method of claim 31, further comprising: detecting whether a cut-off mode has been selected by the user of the first mobile terminal; *if the cut-off mode is set, transmitting the second image signal as a main image signal to the second mobile terminal during the telephonic communication; and transmitting the first image signal as the main image signal to the second mobile terminal during the telephonic communication if the cut-off mode is not selected by the user.*

Claims 33 and 34 are allowed because they are dependent on claim 32.

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*Note: The U.S. Patent and Trademark Office considers Applicant's "or" language to be anticipated by any reference containing one of the subsequent corresponding elements. Accordingly, Examiner has not considered the limitations, which appear in *italicized font* above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJQ
April 2, 2007



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